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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,024	02/21/2002	Michael Wayne Brown	AUS920010848US1	1647

7590 06/16/2005

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EXAMINER	
AGDEPPA, HECTOR A	
ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,024	BROWN ET AL.	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/21/02, 3/29/04, 10/12/04*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/29/04,10/12/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3 – 6, 8, 10 – 13, 15 – 19, and 21 - 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,160,877 (Tatchell et al.)

As to claims 1, 8, 15, and 21 Tatchell et al. teaches a method and associated system for detecting the identity of a caller placing a call to a callee via Calling Line ID (CLID) or name, reading on the claimed detecting an authenticated identity. (Abstract, Col. 3, lines 25 – 44, Col. 4, lines 6 – 12) Tatchell et al. also teaches only attempting to connect the caller to the callee if the identity of the caller is allowed to access the callee according to the caller's schedule. (Abstract, Fig. 5b, Col. 3, lines 33 – 44, Col. 10, lines 40 – 43, Col. 18, line 23 – Col. 20, line 13, Col. 21, lines 9 - 18) Note that there will always be a destination device such as a telephone unit associated with the intended callee or else the callee would be unreachable.

As to claims 3, 10, and 16, see the rejection of claim 1 and note that Tatchell et al. inherently teaches accessing a schedule or else the callee's preferences would not be known to the system.

As to claims 4 - 6, 11 - 13, and 17 - 19, Tatchell et al. teaches that if the caller, such as the callee's mom is authenticated and allowed to reach the callee, her call is allowed to ring through to the callee. If the caller is not allowed to reach the callee depending on the callee's disposition preferences and/or schedule, the call is not allowed to ring through, but rather sent to voicemail or terminated. (Col. 3, lines 40 – 44, Col. 18, line 38 – Col. 19, line 27)

As to claim 22, see the rejection of claim 1 and note that Tatchell et al. also teaches grouping certain potential callers according to certain categories, such as calls from the hockey team. A call determined to be from one of a person on the hockey team will likely be about hockey or the hockey team, thus reading on the claimed context. Even if the call were about something else, the categorization would be enough to read on the context as well.

As to claim 23, see the rejection of claims 1 and 22 and note that Tatchell et al. teaches that calls may be prioritized, wherein such prioritization reads on the claimed scheduled event. (Col. 19, lines 12 – 15) Note that on pages 8 – 9 of applicant's specification, a priority level may indicate a scheduled event. Also note that as already discussed above, Tatchell et al. teaches the use of schedules in addition to and in conjunction with desired call dispositions and preferences regarding the routing of calls. Hence, it is inherent that a schedule would be "filtered."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 5,651,055 (Argade).

As to claims 2 and 9, Tatchell et al. has been discussed above.

What Tatchell et al. does not teach is authenticating the caller by voice identification.

However, biometric identification, especially voice, is notoriously old and well known in the telephony arts as taught by Argade. (Col. 1, lines 16 – 24 of Argade) It would have been obvious for one of ordinary skill in the art at the time the invention was

made to have used voice authentication in the invention of Tatchell et al. inasmuch as Argade teaches that voice authentication is one method of identifying a caller for a call screening system. Likewise, Tatchell et al. as discussed above teaches a call screening system, and more importantly, using voice recognition to allow a subscriber or callee to program his/her call disposition, call list(s), as the method of receiving callee name information, etc. (Col. 4, lines 6 – 13, Col. 9, lines 29 – 43, Col. 11, line 49 – Co. 12, line 14, Col. 16, lines 52 – 67, Col. 17, lines 22 – 32 of Tatchell et al.) Therefore, Tatchell et al. would already have the requisite functionality to use voice recognition to identify and/or authenticate a caller. Moreover, Tatchell et al. merely teaches using another old and well-known alternative means of identification, i.e., CLID. Therefore, substituting one known method of identification for another would be an obvious design choice or preference.

3. Claims 7, 14, 20, and 24 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 2002/0154752 (Carpenter).

As to claims 7, 14, 20, 26, and 29, Tatchell et al. has been discussed above. What Tatchell et al. does not teach is outputting a message indicating an available time to reach the callee.

However, Carpenter teaches a call screening device wherein a callee can set schedules as to when he/she would like to receive calls, and when he/she would like privacy, including outputting a message indicating when a caller can reach him/her.

(Abstract, P. 1, ¶ 0006 – 0007 of Carpenter) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined Carpenter and Tatchell et al. inasmuch as both Tatchell et al. and Carpenter teach call privacy systems and both Tatchell et al. and Carpenter teach outputting certain messages to callers. Therefore, the requisite elements needed for presenting audio messages to a caller are already present in Tatchell et al. and such a feature is merely a convenience and/or courtesy aspect that would only mean a trivial modification to what the system of Tatchell et al. is already capable of doing. Moreover, because Tatchell et al. teaches that a callee can modify and listen to his/her schedule and preferences, presenting a message to a caller regarding available times would simply mean presenting some aspects or instances of the callee's schedule to the caller instead of only the callee.

As to claims 24 and 27, see the rejection of claims 1, 7, and 23 and note that a priority setting or rating can be applied to each caller and if that caller meets a certain priority level, the call will be disposed of according to the callee's preferences. Note as well that the above-discussed Mom scenario would read on the claimed caller event, the priority and priority level would read on the claimed rated event, and presenting a next available time event would be inherent because of the ability to present such information to the caller, i.e., such information could not be presented unless it were an event on the schedule.

As to claims 25, 28, and 30, see the rejection of claims 1, 7, and 24 and note that as already discussed above, Tatchell et al. teaches that a callee may set / schedule any call disposition he/she desires including be able to receive a call from a certain caller at

a certain time. For example, as opposed to setting a call disposition to allow a call from Mom at any time, a callee could simply allow for a call from Mom to only go through at or during a specific time or period. Mom has then effectively been scheduled into the callee's schedule.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4,278,844 (Jones) teaches a communication system selective call screening arrangement. US 5,181,238 (Medamana et al.) teaches an authenticated communications access system. US 5,757,899 (Boulware et al.) teaches call screening using subscriber specified timers and schedules. US 5,884,032 (Bateman et al.) teaches scheduling and call routing in an call center including scheduled callbacks. US 5,946,386 (Rogers et al.) teaches call management with call control from a user workstation including call screening and availability schedules. US 6,263,071 (Swan et al.) teaches distinctive alerting based on caller-selected options. US 2002/0085698 (Liebenow) teaches a communication device with privacy mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
June 9, 2005

HECTOR A. AGDEPPA
PATENT EXAMINER